Reg. No. M. 1175.

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The Mysore Gazette

(PUBLISHED BY AUTHORITY)

EXTRAORDINARY

BANGALORE, WEDNESDAY, AUGUST 2, 1950

NOTIFICATION.

No. L.D. 1246—L.A. 35-50-1, dated Bangalore, the 2nd August 1950.

In exercise of the powers conferred by clause (2) of Article 174 of the Constitution of India, I, Jaya Chamaraja Wadiyar, Maharaja of Mysore, do hereby summon the State Legislative Assembly to meet at 12 Noon on Monday the 28th August 1950, at Sir K. P. Puttanna Chetty Town Hall, Bangalore.

JAYA CHAMARAJA WADIYAR,
Maharaja of Mysore.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

Reg. No. M. 1175.

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EXTRAORDINARY

BANGALORE, FRIDAY, AUGUST 25, 1950.

PART IV

Section I-C

NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATION.

No. L.D. 1678—Legis. 2-50-30, dated Bangalore, 23rd August 1950.

Ordered that the following Essential Supplies (Temporary Powers) Amendment Act, 1950, (LII of 1950), published in the *Gazette of India*, Part II, Section 1, dated the 16th August 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA 832

MINISTRY OF LAW.

Act No. LII of 1950.

(Received Assent on 16th August 1950).

THE ESSENTIAL SUPPLIES (TEMPORARY POWERS) AMENDMENT ACT, 1950.

AN

ACT

further to amend the Essential Supplies (Temporary Powers) Act, 1946.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Essential Supplies (Temporary Powers) Amendment Act, 1950.

2. *Omission of preamble, Act XXIV of 1946.*—The preamble to the Essential Supplies (Temporary Powers) Act, 1946 (hereinafter referred to as the said Act), shall be omitted.

3. *Amendment of section 1, Act XXIV of 1946.*—In section 1 of the said Act,—

(*a*) for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) It extends to the whole of India except the State of Jammu and Kashmir, but shall come into force in a Part B State to which this Act extends only on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, and different dates may be appointed for different Part B States";

(*b*) in sub-section (3), for the words and figures "first day of April, 1951", the words and figures "thirty-first day of December, 1952" shall be substituted.

4. *Amendment of section 2, Act XXIV of 1946.*—In section 2 of the said Act, —

(*a*) after item (*i*) of clause (*a*), the following item shall be inserted, namely :—

"(*ia*) cattle fodder";

(*b*) after clause (*c*), the following clause shall be inserted, namely :—

'(*cc*) "cattle fodder" includes oil-cakes and other concentrates ;'.

5. *Insertion of new section 2A in Act XXIV of 1946.*—After section 2 of the said Act, the following section shall be inserted, namely :—

"2A. *Rule of construction respecting enactments not extending to Part B States.*—Any reference to the Indian Penal Code (Act XLV of 1860), the Code of Criminal Procedure, 1898 (Act V of 1898), or the Indian Evidence Act, 1872 (I of 1872), shall, in relation to any Part B State to which this Act applies, be construed as a reference to the corresponding enactment in force in that State."

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6. *Amendment of section 3, Act XXIV of 1946.*—For sub-section (*3*) of Section 3 of the said Act, the following sub-section shall be substituted, namely :—

"(*3*) An order made under sub-section (*1*) may confer powers and impose duties upon the Central Government or the State Government or officers and authorities of the Central or State Government and may contain directions to any State Government or to officers and authorities thereof as to the exercise of any such powers or the discharge of any such duties."

7. *Substitution of new section for section 7, Act XXIV of 1946.*—For section 7 of the said Act, the following section shall be substituted, namely :—

"7. *Penalties.*—(*1*) If any person contravenes any order under section 3 relating to cotton textiles, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine ; and any property in respect of which the order has been contravened or such part thereof as to the Court may deem fit shall be forfeited to the Government.

(*2*) If any person contravenes any order under section 3 relating to foodstuffs,—

(*a*) he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine, unless for reasons to be recorded the court is of opinion that a sentence of fine only will meet the ends of justice ; and

(*b*) any property in respect of which the order has been contravened or such part thereof as to the court may seem fit shall be forfeited to the Government, unless for reasons to be recorded the court is of opinion that it is not necessary to direct forfeiture in respect of the whole or, as the case may be, any part of the property :

Provided that where the contravention is of an order prescribing the maximum quantity of any foodgrain that may lawfully be possessed by any person or class of persons, and the person contravening the order is found to have been in possession of foodgrain exceeding twice the maximum quantity so prescribed, the court shall—

(*a*) sentence him to imprisonment for a term which may extend to seven years and to a fine not less than twenty times the value of the foodgrain found in his possession, and

(*b*) direct that the whole of such foodgrain in excess of the prescribed maximum quantity shall be forfeited to the Government.

Explanation :—A person in possession of foodgrain which does not exceed by more than five maunds the maximum quantity so prescribed shall not be deemed to be guilty of an offence punishable under the proviso to this sub-section.

(*3*) If any person contravenes any order under section 3 relating to any essential commodity other than cotton textiles and food stuffs, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and if the order so provides, any property in respect of which the court is satisfied that the order has been contravened may be forfeited to the Government.

(*4*) If any person to whom a direction is given under sub-section (*4*) of section 3 fails to comply with the direction, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both."

8. *Amendment of section 7A, Act XXIV of 1946.*—In section 7A of the said Act, the words, brackets and figure "sub-section (*1*) of" shall be omitted and for the words "said sub-section", the words "said section" shall be substituted.

9. *Insertion of new sections 13A and 13B in Act XXIV of 1946.*—After section 13 of the said Act, the following sections shall be inserted, namely :—

"13A. *Special provisions regarding bail.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), no person accused or convicted of a contravention of any order under section 3 relating to foodgrains which is punishable under the proviso to sub-section (*2*) of section 7 shall, if in custody, be released on bail or on his own bond unless—

(*a*) the prosecution has been given an opportunity to oppose the application for such release, and

(*b*) where the prosecution opposes the application, it appears to the court that there are reasonable grounds for believing that he is not guilty of such contravention.

13B. *Cases to be disposed of expeditiously.*—Where any offence is not being tried in a summary way under section 12 of this Act,—

(*a*) with reference to sub-section (*1*) of section 256 of the Code of Criminal Procedure, 1898 (Act V of 1898), the next hearing of the case shall be fixed on the day following the one on which the charge is framed, unless the Magistrate, for reasons to be recorded in writing, adjourns the case to any other day, but not later than four days, and

(*b*) the hearing of the case shall be continued from day to day unless the court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded."

10. *Amendment of section 17, Act XXIV of 1946.*—After sub-section (*3*) of section 17 of the said Act, the following sub-section shall be inserted, namely :—

"(*4*) If immediately before the day on which this Act comes into force in a Part B State, there is in force in that State any law which corresponds to this Act, such corresponding law shall on that day stand repealed in so far as it relates to any of the essential commodities governed by this Act :

Provided that any order made and in force immediately before that day in the said State shall continue in force and be deemed to be an order made under this Act, and all appointments made, licences or permits granted, and directions issued, under any such order and in force immediately before that day shall likewise continue in force and be deemed to be made, granted or issued in pursuance of this Act."

K. V. K. SUNDARAM,
Secy.

NOTIFICATION. 835

No. L.D. 1693—Legis. 6-50-84, dated Bangalore, 24th August 1950.

Ordered that the following Notifications No. S.R.O. 391, 393 and 394, dated 17th August 1950, of the Ministry of Food under the Essential Supplies (Temporary Powers) Act, 1946 published in the *Gazette of India*, Part II, Section 3, dated the 17th August 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF FOOD.

New Delhi, the 17th August 1950.

S. R. O. 391.—In exercise of the powers conferred by sub-section (2) of section 1 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to appoint the 17th day of August 1950 as the date on which the said Act shall come into force in all the Part B States to which it extends.

[CG-603 (38)-XIV]

S. R. O. 393.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that no order made or deemed to be made under the said Act or under any corresponding law in force in a Part B State shall have effect so as to prohibit or restrict the movement of gram from any place in a State to any other place within or outside the State, or so as to regulate or control the price, production or distribution thereof in any manner whatsoever.

[CG-603 (38)-XVI]

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S. R. O. 394.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to fix with effect from the 17th August 1950, the price specified in column 2 of the Schedule hereto annexed as the maximum price at which gram may be bought or sold in the State specified in the corresponding entry in column 1 of the said Schedule.

SCHEDULE.

Name of the State	*Maximum price per maund of 82-2/7 lbs.*
1	*2*
	Rs.
Punjab	13
Patiala and East Punjab States Union	13
Himachal Pradesh	13
Bilaspur	13
Uttar Pradesh	13
Rajasthan	13
Bihar	13
Delhi	13
Ajmer	13
Madhya Pradesh	13
Vindhya Pradesh	13
Madhya Bharat	13
Bhopal	13
Hyderabad	13
Assam	16
Tripura	16
Manipur	16
West Bengal	16
Saurashtra	16
Kutch	16
Bombay	16
Travancore-Cochin	16
Mysore	16
Coorg	16
Madras	16
Orissa	16

[CG-603 (48)/50]

K. R. DAMLE, *Joint Secy.*

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